

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

TAMARA BROWN

PLAINTIFF

v.

CIVIL ACTION NO. 3:20-cv-00261-NBB-JMV

MR. CORY USELTON *et al.*

DEFENDANTS

ORDER STAYING CERTAIN PROCEEDINGS

Local Uniform Civil Rule 16(b)(3)(B) provides that “a motion asserting... a jurisdictional defense stays the attorney conference and disclosure requirements and all discovery, pending the court’s ruling on the motion, including any appeal. Whether to permit discovery on issues related to the motion and whether to permit any portion of the case to proceed pending resolution of the motion are decisions committed to the discretion of the court, upon a motion by any party seeking relief.” A motion to dismiss has been filed, alleging insufficient service of process. Doc. #12. A claim of insufficient service of process is a jurisdictional defense. *See Flory v. U.S.*, 79 F.3d 24, 25-26 (5th Cir. 1996). Accordingly, a stay of certain proceedings is appropriate.

If any party desires to seek leave to take jurisdiction-related discovery, it must file a motion for leave to do so within seven (7) days hereof, setting forth the type and scope of such discovery and an estimated time frame for constructing it. If any party objects to any motion for jurisdiction-related discovery, it shall file an objection within four (4) days following service of the motion.

IT IS, THEREFORE, ORDERED that the aforementioned proceedings are hereby **STAYED**, pending a ruling on the jurisdictional motions. The defendant shall notify the undersigned magistrate judge within seven (7) days of resolution of the pending motions and shall submit a proposed order lifting the stay.

SO ORDERED this, the 5th day of January, 2021.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE